

Message Text

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ACTION NEA-10

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E.O.11652: NA
TAGS: SHUM, TS
SUBJ: HUMAN RIGHTS: 1977 AMNESTY INTERNATIONAL REPORT ON TUNISIA

REF: STATE 301352

1. AMNESTY INTERNATIONAL REPORT ON TUNISIA FOR 1977, AS PROVIDED IN REFTEL, IS FOR MOST PART BALANCED AND FACTUALLY CORRECT. AI IS CORRECT IN NOTING THAT THERE HAVE BEEN TO AMNESTIES SINCE FALL OF 1976 INVOLVING APPROXIMATELY 30 OR MORE POLITICAL PRISONERS. AI REFERENCE TO 37 "ACTIVE" CASES REMAINING ALSO APPEARS REASONABLE. (EMBASSY UNDERSTANDS THAT TUNISIAN LEAGUE FOR RIGHTS OF MAN CALCULATES TOTAL NUMBER OF POLITICAL PRISONERS TO BE IN NEIGHBORHOOD OF 50, AS IT IS IMPOSSIBLE TO DRAW PRECISE LINE BETWEEN POLITICAL AND OTHER PRISONERS, AI MAY NOT BE SEIZED WITH EACH CASE SO CHARACTERIZED BY LOCAL HR GROUP.)

2. AI AHS ALSO APPROPRIATELY EXPRESSED CONCERN ABOUT DETENTION CONDITIONS AND HEALTH CARE. THIS OBSERVATION SHOULD NOT BE LIMITED TO POLITICAL PRISONERS ONLY, AS GENERAL LIVING AND HEALTH CONDITIONS IN TUNISIA'S ANTIQUATED PRISON SYSTEM, LIKE THOSE IN MOST COUNTRIES, LEAVES A LOT TO BE DESIRED. THE GOT IS GIVING SERIOUS ATTENTION TO THESE
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PROBLEMS AND OVER PAST TWO YEARS SIGNIFICANT IMPROVEMENTS HAVE BEEN ACHIEVED. THIS FACT HAS BEEN PUBLICLY RECOGNIZED BY TUNISIAN HR LEAGUE, ALTHOUGH LEAGUE HAS URGED THAT FURTHER EFFORTS BE MADE. BOTH GOT AND LEAGUE ARE IN AGREEMENT THAT QUESTION IS LARGELY ONE OF MONEY, AND LEAGUE HAS NOTED THAT POLITICAL PRISONERS ARE GENERALLY TREATED AS WELL -- AND IN SOME INSTANCES BETTER -- THAN

MOST PERSONS INCARCERATED FOR NON-POLITICAL CIVIL AND CRIMINAL OFFENSES.

3. EMBASSY BELIEVES, HOWEVER, THAT SOME CLARIFICATION SHOULD BE MADE WITH RESPECT TO THE 23 NEW CASES WHICH AI HAS TAKEN UP INVOLVING ADHERENTS OF MOUVEMENT D'UNITE POPULAIRE (MUP). CALLING MUP A "SOCIALIST OPPOSITON PARTY" MAY BE SOMETHING OF OVERSTATEMENT AS WELL AS NA OVER SIMPLIFICATION. AS FAR AS EMBASSY IS AWARE MUP IS A RELATIVELY SMALL AND UNSTRUCTURED GROUPING OF BEN SALAH FOLLOWERS, MANY OF WHOM RESIDE ABROAD. WE UNDERSTAND MUP DATES FROM A DECLARATION MADE BY GEN SALAH AND PUBLISHED IN FRENCH COMMUNIST PARTY DAILY L'HUMANITE IN MAY 1973. IT IS NOT A PARTY IN THE LEGAL SENSE, NOR, AS FAR AS WE KNOW, HAS IT EVER REQUESTED RECOGNITION AS SUCH FROM THE GOT. ALTHOUGH THE GROUP HAS NOT PUBLICLY ADVOCATED VIOLENT OVERTHROW OF THE GOVERNMENT, ITS "FIVE-POINT PROGRAM" ISSUED IN JANUARY 1977 DID CALL FOR RADICAL CHANGES IN TUNISIA'S PRESENT POLITICAL SYSTEM INCLUDING ESTABLISHMENT OF A "PROVISIONAL GOVERNMENT OF NATIONAL SOLIDARITY," A NEW CONSTITUTION, NEW GENERAL ELECTIONS AND IMPLICITLY A NEW PRESIDENT.

4. NATURALLY THE DECLARED PURPOSE OF THIS PROGRAM WAS THE "RESTORATION OF DEMOCRACY IN TUNISIA." JUST AS NATURALLY, THE TUNISIAN GOVERNMENT INSISTED THAT TUNISIA ALREADY ENJOYS UNCLASSIFIED

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A DEMOCRATIC SYSTEM (WHICH IN LARGE MEASURE IT DOES), AND THAT MUP'S AIMS WERE SELF-INTERESTED, ANTI-CONSTITUTIONAL, AND REVOLUTIONARY (WHICH INHERENTLY THEY WERE). THE REGIME ALSO POINTED OUT THAT BEN SALAH HARDLY ESTABLISHED CONVINCING "DEMOCRATIC" CREDIT TO THE PERIOD OF HIS PREDOMINANCE IN TUNISIAN POLITICS IN LATE 1960S TO WHICH THE EMBASSY CAN ATTEST AS BEING THE MOST REPRESSIVE PERIOD IN TUNISIA'S 21- YEAR HISTORY AS AN INDEPENDENT COUNTRY.

5. FOLLOWING THE PUBLICATION AND DISTRIBUTION OF MUP'S "FIVE POINT PROGRAM" IN JANUARY, TWENTY-THREE BEN SALAHISTS WERE ARRESTED IN TUNISIA ON SUBVERSION AND RELATED CHARGES IN MARCH 1977. THIRTY-THREE PERSONS (23 DETAINEES PLUS 10 IN ABSENTIA INCLUDING BEN SALAH) WERE SUBSEQUENTLY TRIED IN PUBLIC BY THE STATE SECURITY COURT JUNE 13-AUGUST 19, 1977. TRIAL WAS EXTENSIVELY COVERED BY MEDIA AND WAS ATTENDED BY FOREIGN OBSERVERS. ACCUSED ALSO HAD ACCESS TO COUNSEL OF THEIR CHOICE, WHO CONDUCTED ACTIVE DEFENSE. SOME CHARGES OF TORTURE WERE MADE, BUT THESE COULD NOT BE CONFIRMED BY THE TUNISIAN HUMAN RIGHTS LEAGUE WHICH CONDUCTED AN INVESTIGATION AND ISSUED A PUBLIC REPORT.

6. IN THE JUDGMENT ISSUED ON AUGUST 19, ALL 33 DEFENDANTS WERE ACQUITTED ON MOST SERIOUS CHARGE OF SEEKING TO OVERTHROW THE STATE BY ILLEGAL MEANS. TWENTY-FOUR WERE CONVICTED ON VARIOUS LESSER CHARGES OF MEMBERSHIP IN AN ILLEGAL ORGANIZATION, INSULTING THE CHIEF OF STATE, PUBLICATION AND CIRCULATION OF TRACTS CONTAINING FALSE INFORMATION AND PROAGATION OF LIBELOUS REMARKS VIA MUP PUBLICATIONS. NINE DEFENDANTS WERE ACQUITTED ON ALL CHARGES. DEFENSE LAWYERS WERE REPORTEDLY PLEASED WITH CONDUCT OF TRIAL AND RELATIVELY LIGHT SENTENCES IMPOSED (6 MONTHS TO 8 YEARS). (SEE UNCLAS TUNIS 5942.)

7. AS FINAL COMMENT, IT IS REGRETABLE THAT AI FAILED TO UNCLASSIFIED

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TAKE NOTE OF ESTABLISHMENT OF TUNISIAN LEAGUE FOR THE RIGHTS OF MAN, WHICH WAS FORMED WITH GOT APPROVAL IN MAY 1977. THIS GROUP HAS BECOME VACALLU ACTIVE IN INVESTIGATING AND REPORTING ON CHARGES OF HUMAN RIGHTS VIOLATIONS IN TUNISIA, AND IT WILL NO DOUBT PLAY AN INCREASINGLY EFFECTIVE ROLE IN DEFENDING HUMAN RIGHTS IN TUNISIA AND ELSEWHERE IN THE COMING YEARS. SIGNIFICANTLY, IT OPERATES WITH THE OFFICIAL ACQUIESCENCE OF THE TUNISIAN GOVERNMENT.
MULCAHY

NOTE BY OC/T: #AS RECEIVED.

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